

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Fishman Haygood Phelps Walmsley,
Willis & Swanson, LLP, *and all others*
similarly situated,

Plaintiffs,

v.

State Street Corporation, State Street
Bank & Trust Co., State Street Bank &
Trust Co. of New Hampshire, and
State Street Global Advisors,

Defendants.

Case No. 1:09-CV-10533 PBS

CORRECTED
ASSENTED TO MOTION TO FILE PLAINTIFF'S SUPPLEMENTAL
MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' MOTION TO
DISMISS FOR LACK OF STANDING, AND SUPPORTING DOCUMENTS,
UNDER SEAL

Pursuant to Rule 7.2 of the Local Rules of the United States District Court for the District of Massachusetts, the Plaintiff, Fishman Haygood Phelps Walmsley & Swanson LLP ("Plaintiff") petitions this Court to allow it to file documents under seal for the reasons set forth below. Defendants have assented to the motion.

On December 8, 2009, the Court entered a protective order that provided, among other things, that all material or information designated as confidential or highly confidential must be filed under seal pursuant to this Court's procedures for same. (Doc. 46, ¶ H.) Plaintiff has served on Defendants Plaintiff's Supplemental Memorandum Of Law In Opposition To Defendants' Motion To Dismiss For Lack Of Standing and accompanying declaration of Todd S. Collins (attaching exhibits to the Supplemental

Memorandum) and the accompanying declaration of Anthony Nazzaro (which includes supporting exhibits). The memorandum, declarations, and exhibits contain confidential information.

Prayer for Relief

WHEREFORE, all parties respectfully request that the Court allow the Plaintiff to file the following documents under seal, pursuant to Rule 7.2 of the Local Rules:

- Plaintiff's Supplemental Memorandum Of Law In Opposition To Defendants' Motion To Dismiss For Lack Of Standing;
- Declaration of Todd S. Collins
- Declaration of Anthony Nazzaro, including attached exhibits.

Dated: January 15, 2009

Respectfully Submitted,

Todd M. Schneider
Guy Wallace
Mark T. Johnson
SCHNEIDER WALLACE COTTRELL
BRAYTON KONECKY LLP
180 Montgomery Street, Suite 2000
San Francisco, CA 94104
Tel: (415) 421-7100
Fax: (415) 421-7105

Garrett W. Wotkins
SCHNEIDER WALLACE COTTRELL
BRAYTON KONECKY LLP
7702 E. Doubletree Ranch Road, Suite
300
Scottsdale, Arizona 85258

Todd S. Collins
Shanon J. Carson
Ellen T. Noteware
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103
Tel: (215) 875-3040
Fax: (215) 875-4604

By: /S/ Gregory Y. Porter

Gregory Y. Porter
BAILEY & GLASSER LLP
910 17th Street, NW
Suite 800
Washington, DC 20006
Tel: (202) 463-2101
Fax: (202) 463-2101

Brian A. Glasser
Michael L. Murphy
BAILEY & GLASSER LLP
209 Capitol Street
Charleston, WV 25301
Tel: (304) 345-6555
Fax: (304) 342-1110

Matthew McCue
Law Office of Matthew McCue
179 Union Ave.
Framingham, MA 01702
Tel: (508) 620-1166
Fax: (508) 820-3311

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2009, I caused a copy of this document to be served electronically, via the electronic filing system, on the registered participants as identified on the Notice of Electronic Filing (NEF) and by first-class US. mail on those indicated as non-registered participants.

By: /s/

Scott Collins